

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HISCOX DEDICATED CORPORATE MEMBER
LTD. AND CERTAIN OTHER
UNDERWRITERS AT LLOYD'S, LONDON,
WHO SUBSCRIBED LLOYD'S POLICY NO.
HD 0001594,

Plaintiffs,

vs.

DAVID ALLEN CONDON, INDIVIDUALLY,
AND DOING BUSINESS AS DC
COLLECTIBLES,

Defendant.

DAVID ALLEN CONDON, INDIVIDUALLY,
AND DOING BUSINESS AS DC
COLLECTIBLES,

Counter-claimant,

vs.

HISCOX DEDICATED CORPORATE MEMBER
LTD. AND CERTAIN OTHER
UNDERWRITERS AT LLOYD'S, LONDON,
WHO SUBSCRIBED LLOYD'S POLICY NO.
HD 0001594,

Counter-defendant.

2:09-CV-1166-ECR-RJJ

ORDER

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
SEP 17 2010	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

The following additional orders are entered with respect to
the Pretrial Order filed in this case.

IT IS HEREBY ORDERED that not less than sixty (60) days prior
to the date set for trial, Defendant and Plaintiffs shall each file
a supplement to their respective objections to the other parties'

1 proposed exhibits and deposition testimony (see e.g. paragraph (c)
2 on page 17, paragraph (e) on page 22, and paragraph w on page 20 of
3 the Pretrial Order), which shall spell out in reasonable detail the
4 basis for each of the objections. It is not sufficient to object
5 merely as "irrelevant," "hearsay," "privileged," etc. The
6 objection with respect to each such exhibit should state in summary
7 but reasonable detail the basis for making such objection.

8 The parties respectively will thereafter have fourteen (14)
9 days to respond to each such objection in similar detail.

10 The matter of admission of exhibits for trial is referred to
11 the Magistrate Judge for purposes of ruling on the admission of the
12 subject exhibits listed in the Pretrial Order to the extent this
13 can reasonably and feasibly be done pretrial.

14 The proposed witness lists, as set forth in the Pretrial
15 Order, are referred to the Magistrate Judge for consideration and
16 decision as to whether any of such witnesses should not be
17 permitted to testify because their testimony would be duplicative
18 or unreasonably cumulative. The Magistrate Judge is authorized to
19 require offers of proof as to the testimony to be offered by each
20 such witness.

21 At least sixty (60) days prior to the date set for the trial,
22 Plaintiffs shall file a statement specifying witnesses by specific
23 name or names who are in the Pretrial Order referred to in terms
24 such as "Person(s) most knowledgeable" (see line 9, page 23 of the
25 Pretrial Order) and "[mother in law]: Lucygne Norma _____" (see
26 line 22, page 25 of the Pretrial Order).

1 The Magistrate Judge is authorized to modify the Pretrial
2 Order upon consideration of these or other appropriate matters, and
3 to make all rulings thereon which reasonably can be made.

4 The Magistrate Judge will substantially assist the Court in
5 the processing of this case by undertaking the foregoing
6 proceedings. By going through the items of evidence and
7 considering the respective witnesses' testimony, frequently the
8 parties and/or the Court will reasonably, readily, recognize
9 evidence which is inadmissible, or should be withdrawn, or which,
10 upon proper available foundation, will be obviously admissible, or
11 on the other hand, where ruling should be withheld until trial.

12 The Magistrate Judge will have the benefit of the Pretrial Order
13 and the arguments of counsel to assist in making these rulings.

14 Obviously, the conduct of the trial will be greatly expedited
15 by the Magistrate Judge undertaking this assignment.

16 The rulings of the Magistrate Judge will be subject to appeal
17 to this Judge, if timely appeal is filed. The Magistrate Judge has
18 extensive experience in resolving such matters, both as an attorney
19 in practice, and sitting on the bench as a trial judge, and is well
20 qualified to undertake such rulings.

21 We realize this order places a considerable burden on the
22 Magistrate Judge. We trust, however, that the Magistrate Judge
23 will not be inclined to ignore this order, but if the Magistrate
24 Judge would prefer not to undertake this reference, or feels
25 uncomfortable in doing so, or feels such an order is inappropriate
26 in the circumstances, we should be so advised so that we can
27 undertake to arrange other procedures to accomplish the goals we
28 seek to achieve in entering this order.

1 At least twenty-one (21) days before the date set for the
2 trial, the Magistrate Judge shall hold a status/settlement
3 conference with respect to this case and the trial.

4 Dated: This 16 day of September, 2010.

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7 UNITED STATES DISTRICT JUDGE
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